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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/627,615	07/28/2003	Melvin C. Maki	0145P34US01	4319

20779 7590 11/30/2004

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EXAMINER

SWARTHOUT, BRENT

ART UNIT	PAPER NUMBER
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2636

DATE MAILED: 11/30/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/627,615

Applicant(s)

MAKI ET AL.

Examiner

Brent A Swarthout

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-10 and 12-20 is/are rejected.
- 7) ☒ Claim(s) 11 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>11182004</u> . | 6) <input type="checkbox"/> Other: ____ |

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1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

a. Claims 1-9 and 12-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Frederick in view of Karas.

Frederick discloses an intrusion detection system using a sensor array comprising sensor nodes 22 with inherent longitudinal axis with detection zone transverse to axis, sensors 26 responsive to intruder for providing detection indication, and array processor means 54 for processing detection data to determine if an intrusion has been detected (col.5, lines 46-62), except for specifically stating that detection zone comprises a plane.

Karas teaches desirability of using a transverse detection plane (Fig. 1) above a fence or wall in order to determine when an intruder attempts to scale into a protected area.

It would have been obvious to use a detection plane as suggested by Karas in conjunction with an intruder detection system as disclosed by Frederick, in order to only indicate intrusion when a wall was being scaled, thus avoiding nuisance alarms when authorized individuals were just near a wall.

Regarding claims 3-5, Frederick discloses plural sensors 26, ultrasonic detectors (col.4, line 1) and power input point (Fig. 6).

Regarding claims 6-7, Frederick teaches use of sensor node 22 integrated with deformable cable 18. Choosing to encase the node into the flexible cable would have been obvious, in order to allow the cable to be rolled more easily to aid installation, the specific size of the sensor node not affecting its function.

Regarding claim 8, since Frederick teaches mounting sensor on circuit board (col. 4, line 45), choosing to use an IC for the sensor would have been obvious, in order to allow a smaller space to be used, while still allowing processing of detected data.

Regarding claim 9, Frederick teaches using overlapping sensor zones (col. 4, lines 3-8).

Regarding claims 12-14, Frederick teaches preset placement of sensors to allow overlapping coverage of protected area (col. 5, lines 3-12). Since Frederick teaches spacing of about 18 feet, choosing to use a spacing somewhere between 0.5 and 20 meters would have been satisfied.

Regarding claim 15, Frederick teaches providing an alarm indicative of intrusion (col. 6, lines 33-52).

2. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Frederick in view of Karas and Runyon et al.

Runyon discloses desirability of having detection zones abut without overlapping (col. 3, line 63).

It would have been obvious to use intrusion sensor zone abutment as suggested by Runyon in place of overlapping zones in a system as disclosed by Frederick and Karas, in order to be able to more particularly indicate exactly where an intrusion occurred.

3. Claims 18-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Frederick in view of Karas and Osako et al.

Osako discloses desirability of providing sensor sensitivity adjustment by calibration in an intrusion detection system (abstract).

It would have been obvious to use calibration of sensors as suggested by Osako in conjunction with intrusion sensors as disclosed by Frederick and Karas, in order to allow adjustment of sensor sensitivity, in order to obtain accurate detection of intrusion for varying conditions.

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Swanson, Jones, Harrison, Abita (238) and Abita (082) disclose intrusion detection systems.

5. Claim 11 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

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6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brent A Swarthout whose telephone number is 571-272-2979. The examiner can normally be reached on M-F from 6:30 to 4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeff Hofsass, can be reached on 571-272-2981. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Brent A Swarthout
Examiner
Art Unit 2636

**BRENT A. SWARTHOUT
PRIMARY EXAMINER**